

Charter Holder Status Amendment Request

Purpose

The *Charter Holder Status Amendment Request* is used to:

- Change the entity name of the Charter Holder;
- Change the legal status of the Charter Holder; or
- Change the ownership of the Charter Holder.

Determining Eligibility

In order for the request to be considered by the Board, the Charter Holder must:

- Currently not be having 10% withheld for failure to timely submit its most recent annual audit;
- Be in “good standing” with the Arizona Corporation Commission (“ACC”). This is determined by accessing information available through ACC’s website;
- If applicable, have received notification from the Board that the current fiscal year audit corrective action plan has been completed;
- If a special education corrective action plan is in place, be in compliance with the plan’s requirements. This is determined by information provided by the Arizona Department of Education’s (“ADE”) Exceptional Student Services Division;
- If applicable, have a “compliant” status reflected on the ADE’s Grants Management website for each grant for the past four years;
- If applicable, be in compliance with National School Lunch and Breakfast Programs requirements. This is determined by information provided by the ADE’s Health and Nutrition Services Division; and
- If applicable, be current in submitting employer and employee contributions and reports to the Arizona State Retirement System (“ASRS”). This is determined by information provided to the Board by ASRS.

In order for a request to **change the entity name** to be considered by the Board, the Charter Holder must:

- Be in “good standing” with the ACC. This is determined by accessing information available through ACC’s website.

Board Consideration

A substantively complete amendment request submitted by a charter holder will be placed on the agenda of a regular Board meeting. A finding that the Charter Holder is not in compliance in one or more operational areas (see page 6 of The Guide) may result in a delay in consideration of the request.

Instructions for the Request

Work through the form, filling in all required fields and uploads. Follow the instructions for each upload field. Be sure to save your work, even if you aren't prepared to submit your form, so that you do not lose your data.

If you have additional questions about the type of change requested or the requirements of your request, contact your Education Program Manager (“EPM”) for assistance. The document found [here](#) contains a filterable list of EPM assignments.

Form Fields for Change in entity name

Field	Instructions
Type of Status Change*	Check the box of the appropriate status change.
Change From*	Describe the current status of the Charter Holder, in relation to what is proposed to change with this request.
Change To*	Describe the status that will be in effect should this request be approved.

Form Fields for Change in legal status or ownership

Field	Instructions
Type of Status Change*	Check the box of the appropriate status change.
Change From*	Describe the current status of the Charter Holder, in relation to what is proposed to change with this request.
Change To*	Describe the status that will be in effect should this request be approved.
New Officers, Directors, Members, or Partners (to add an individual)	<p>Click the blue “Add Officer, Director, Member, or Partner” link. When the window pops up, enter the last 4 Digits of the new individual’s Social Security Number and the individual’s Date of Birth. Then, click the “Add Officer, Director, Member, or Partner” button.</p> <p>The window will expand. When that happens, complete the following:</p> <p>First Name: Enter the new individual’s first name.</p> <p>Last Name: Enter the new individual’s last name.</p> <p>Email Address: Enter the new individual’s email address.</p> <p>Fingerprint Clearance Card: Click “Choose File” and upload a PDF of a copy of the front and back of the individual’s valid FCC issued by DPS.</p> <p>Background Information Sheet: Click “Choose File” and upload a PDF of both pages of the completed form.</p>

Verification of Coursework/Degree: Click “Choose File” and upload a PDF of the individual’s transcripts from the postsecondary institution or an official, watermarked report from the National Student Clearinghouse. If no postsecondary degree is noted, or the individual cannot retrieve his or her transcripts, the No Postsecondary Transcript Form is required.

Affidavit: Click “Choose File” and upload a PDF of a completed, signed, and notarized Affidavit, Disclosure, and Consent for Background and Credit Check form.

Résumé: Click “Choose File” and upload a PDF of the individual’s résumé.

Repeat this process for each individual being added.

**Remove Officers,
Directors, Members, or
Partners**

(to remove an individual)

From the “Choose a Member” drop down, select the member to be removed.
Click the “Remove Member” button.

Attachments

For further information regarding specific documentation requirements, see pages 7–16 of The Guide and the checklists found on page 4 of these instructions.

Board Minutes*

Upload evidence that the proposed change has been approved by the Charter Holder.

Copy of Amendment to the Articles of Incorporation*

Provide a copy of the Amendment to the Articles of Incorporation that demonstrates the change. This must be an amendment on file with the Arizona Corporation Commission.

Declaration of Payment, Benefit, or Consideration*

Provide information regarding any payment, benefit, or consideration received or to be received by any party in the transition.

Additional Supporting Materials*

Upload any additional supporting materials, as identified on the checklists on page 4 of these instructions.

Checklists

Change in the Legal Status of the Charter Holder (e.g. the for-profit corporation converts to non-profit status)

<input type="checkbox"/>	Charter Holder Status Amendment Form— (Check the box—Change in legal status of the Charter Holder)
<input type="checkbox"/>	Indicate on the Form whether the non-profit corporation is an Arizona Not for Profit or a 501(c)3. If the corporation is, or will be, a 501(c)3 please submit a copy of the approval letter from the I.R.S. or a copy of the application.
<input type="checkbox"/>	Copy of the minutes of the for-profit board converting the corporation to non-profit status.
<input type="checkbox"/>	Articles of Incorporation of the non-profit corporation (stamped and filed with the Arizona Corporation Commission)
<input type="checkbox"/>	Bylaws of the non-profit corporation
<input type="checkbox"/>	Governance Structure <ul style="list-style-type: none"> a. Description of and differentiation between the school's governing body and the non-profit corporate board b. Organizational Flow Chart

Please remember that all prior year academic and financial responsibilities will transfer with the new corporate structure.

Change in the Ownership of the Charter Holder

- A non-profit corporation transfers the charter contract to a non-profit corporation
- A for-profit corporation transfers the charter contract to a separate non-profit corporation

<input type="checkbox"/>	Charter Holder Status Amendment Form— (Check the box—Change in ownership of the Charter Holder)
<input type="checkbox"/>	Indicate on the Form whether the non-profit corporation is an Arizona Not for Profit or a 501(c)3. If the corporation is, or will be, a 501(c)3 please submit a copy of the approval letter from the I.R.S. or a copy of the application.
<input type="checkbox"/>	Copy of the minutes of the existing board authorizing the assignment of the charter contract to the new entity's board.
<input type="checkbox"/>	Copy of the minutes of the new entity's corporation accepting the assignment of the charter contract from the existing board.
<input type="checkbox"/>	Articles of Incorporation of the new entity's corporation (stamped and filed with the Arizona Corporation Commission)
<input type="checkbox"/>	Bylaws of the new entity's corporation
<input type="checkbox"/>	Governance Structure <ul style="list-style-type: none"> a. Description of and differentiation between the school's governing body and the corporate board b. Organizational Flow Chart
<input type="checkbox"/>	Transfer agreement between the two entities that at a minimum includes discussion of the: <ul style="list-style-type: none"> a. Transfer of student records b. Transfer of, or access to, appropriate financial records from the prior year(s) c. Responsibilities for Assets & Liabilities of the for-profit corporation

Please remember that all prior year academic and financial responsibilities will transfer with the new corporate structure.

Administrative Completeness Review

An administratively complete request to Change the Entity Name includes:

- ☐ Board Minutes
 - Comply with Open Meeting Law (if applicable)
 - Board aligns with what is currently on file with ASBCS
- ☐ Copy of Amendment to the Articles of Incorporation
- ☐ Declaration of Payment, Benefit, or Consideration

An administratively complete request to Change the legal status of the Charter Holder or Change the ownership of the Charter Holder includes:

- ☐ Board Minutes
 - Comply with Open Meeting Law (if applicable)
 - Board aligns with what is currently on file with ASBCS
- ☐ Copy of Amendment to the Articles of Incorporation
- ☐ Declaration of Payment, Benefit, or Consideration
- ☐ Fingerprint Clearance Card, Completed and Signed Background Information Sheet, Verification of Coursework/Degree, Notarized Affidavit, and Resume for each New Officer, Director, Member, or Partner
- ☐ Additional Supporting Materials, as required (refer to checklists on page 4)